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10/559,939	05/09/2006	Hirokazu So	0074/061001	8320

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EXAMINER	
KELLY, RAFFERTY D	

ART UNIT	PAPER NUMBER
2876	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/559,939	SO ET AL.	
	Examiner	Art Unit	
	RAFFERTY KELLY	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,8,10,11,14 and 16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,8,10,11,14 and 16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 December 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Request for Continued Examination filed on 5/6/09 has been acknowledged and as a result, the amendment filed on 4/6/09 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1, 2, 4, 10, 14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Verbakel et al. (US 6370090).

Regarding claim 1, Verbakel et al. teaches a recording medium comprising: a content data storage area which stores a plurality of content groups conforming to an identical form and having a respective directory name(126, 128, 130) (Fig. 5); a selector storage area which stores selector information of one directory name for designating one of said content groups (124) (Col. 5 Lines 40 – 52); and a retrieved-information storage area which stores information including a record address needed when a data reproducing device extracts said content group and said selector information (124). TOC (124) stores a record address that is needed when TOC (124) and Content areas (126, 128, or 130) are accessed.

Regarding claim 2, Verbakel et al. teaches the recording medium according to claim 1, as shown above. Verbakel et al. further teaches wherein said selector storage

area further stores a content data list as a list of each content data contained in each content group stored in said content data storage area (Col. 5 Lines 31-52).

Regarding claim 4, Verbakel et al. teaches the recording medium according to claim 1, as shown above. Verbakel et al. further teaches wherein each of the content groups stored in said content data storage area is stored in a form conforming to an SD-AUDIO specification (Col. 2 Lines 2-4). The data is stored on an optical disc and one of ordinary skill in the art would appreciate that data stored on an optical disc could also be stored in some sort of non-volatile flash memory.

Regarding claim 10, Verbakel et al. teaches a data reproducing method for reproducing data stored in a content data storage area of a recording medium, includes the following steps of: writing a directory name showing said content groups as selector information into said selector storage area (Col. 5 Lines 40-52); and extracting content data of each of the content groups selected by said selector from said content data storage area, and then reproducing the content data. As shown above, Verbakel et al. teaches accessing the content data and this could be interpreted as "reproducing" the data and Verbakel et al. teaches the recording medium.

Regarding claim 14, Verbakel et al. teaches a data recording device comprising: a slot into which a recording medium is inserted (Fig. 2); a selector updating section which acquires a selector from a selector storage area of said recording medium inserted into said slot and, also, updates said selector in conformity with a content group to be recorded (Col. 5 Lines 40-52); a content data converting section which inputs content data and converts the inputted data into a content group including a file

conforming to a specification of said recording medium (Fig. 4); a content data recording section which records data of the content group in the content data storage area of said recording medium (126, 128, and 130). Finally, Verbakel et al. teaches the recording medium, as shown in claim 1 above.

Regarding claim 16, Verbakel et al. teaches the data reproducing method according to claim 10, as shown above. Verbakel et al. also teaches further comprising the steps of determining whether the selector in the recording medium is available by the data reproducing device, and changing a reproducing process based on a result of said step of determining (Col. 3 Lines 41-53, using the TOC as Verbakel does teaches these features).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verbakel et al. in view of Stefik et al. (US 5634012).

Regarding claim 3, Verbakel et al. teaches the recording medium according to claim 1, as shown above.

Verbakel et al. lacks using a user identifier to identify the content data.

Stefik et al. teaches each of the content groups stored in said content data storage area is brought into one-to-one correspondence with a user identifier for

identifying an individual user (704 – usage rights based on user identification), and said selector storage area stores said user identifier as the selector information (704) - part of selector includes said rights information (Fig. 7).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to link a user identification with content data because it is desirable to only allow certain users access to certain files, and linking user identifications to files can make this possible (Col. 4 Lines 2-11).

3. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verbakel et al. in view of Saito (JP 9-55069 A).

Regarding claim 8, Verbakel et al. teaches a data reproducing device comprising: a slot into which a recording medium is inserted (Fig. 2); a selector acquiring section which acquires selector information of one directory name from a selector storage area of said recording medium inserted into said slot (124) (Col. 5 Lines 40-52). Verbakel et al. further teaches a content data acquiring section which acquires content data contained in each of content groups (126) from the content data storage area of said recording medium (Col. 5 Lines 40-43); and a content data reproducing section which reproduces the content data acquired by said content data acquiring section. The word "reproducing" is quite broad and could be interpreted broadly, in this case accessing the data and providing it to the user is considered "reproducing" the data. Finally, the recording medium as claimed is taught by Verbakel et al., as shown above.

Verbakel lacks changing the selector information.

Saito teaches wherein a selector updating section which changes the selector information acquired from said selector acquiring section, in conformity with a content group to be reproduced (Page 14, paragraph 65).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to update the selector information as it is being accessed because it allows for a more versatile system that can, for example, control and trace usage of files in a digital rights management setting.

4. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Verbakel et al. in view of Saito, Boyken et al. (US 2001/0042048), and Stefik et al. The teachings of Verbakel et al. have been discussed above.

Regarding claim 11, Verbakel et al. teaches the data reproducing method according to claim 10, as shown above. The claim features that involve the "retracting" and "backing" of selector information are not being considered because it is unclear what is being done during these steps. The words "retracting" and "backing" are quite broad and in the context of this invention, it is unknown what they mean. Verbakel et al. does teach the selector information and using the selector information, as shown above.

Verbakel et al. lacks saving selector information, reproducing only content data of a content group, and rewriting said saved selector.

Saito teaches saving selector information of said recording medium temporarily when a user identifier is given by the user, and then updating the given user identifier as new selector information; rewriting said saved selector information after the reproduction (Page 14 – Paragraph 0065).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to update the selector information as it is being accessed because it allows for a more versatile system that can, for example, control and trace usage of files in a digital rights management setting.

Verbakel et al. lacks updating the given user identifier as new file information.

Boykin et al. teaches updating the given user identifier as new file information [0042].

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to update file information with the user identifier because it allows a file to become tied to a user, which can be useful in tracking or controlling usage of a file (abstract of Boykin et al.).

Stefik et al. teaches reproducing only content data of a content group corresponding to the given user identifier (only authorized users are allowed are allowed access to certain content) (105 - Fig. 1). Stefik et al. teaches each of the content groups stored in said content data storage area is brought into one-to-one correspondence with a user identifier for identifying an individual user (704 – usage rights based on user identification), and said selector storage area stores said user identifier as the selector information (704) - part of selector includes said rights information (Fig. 7).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to link a user identification with content data because it is desirable to only allow certain users access to certain files, and linking user identifications to files can make this possible (Col. 4 Lines 2-11).

Response to Arguments

Applicant's arguments filed 4/6/09 have been fully considered but they are not persuasive.

Applicant argues that Verbakel does not teach a number of the claimed elements. However, this argument is not found to be persuasive. Applicant argues that Verbakel does not teach a content data storage area which stores a plurality of content groups. However, Fig. 5 of Verbakel shows a data storage area with a plurality of content groups (126, 128, and 130). Applicant further argues that Verbakel does not teach a selector storage area. However, Col. 5 Lines 31-57 describe various "selectors" that designate various content groups. Applicant also argues that Verbakel does not teach the retrieved-information storage area. However, the information contained in the Master TOC of Verbakel could be considered by one of ordinary skill in the art to contain information including a record address when extracting content and selector information (Fig. 4, Col. 5 Lines 31-57). The terms "selector" and "content data" must be given their broadest reasonable interpretation. In the present case, the information discussed in Verbakel, as detailed above, could be considered by one of ordinary skill in the art to be "content data" and "selector" data.

Applicant argues that Stefik et al. does not teach a number of the claimed features. However, Stefik et al. is not relied upon for these features in the above rejections. Therefore, these arguments are not found to be persuasive.

Applicant argues that Saito does not teach a selector updating section which changes selector information, however this argument is not found to be persuasive.

Saito teaches, in paragraph 65, updating table of content information, which can be considered "selector" information, as discussed above.

Applicant argues that Boykin et al. does not teach a number of the claimed features. However, Boykin et al. is not relied upon for these features in the above rejections. Therefore, these arguments are not found to be persuasive.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAFFERTY KELLY whose telephone number is (571)270-5031. The examiner can normally be reached on Mon. - Fri. 800-1730 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rafferty Kelly/
Examiner, Art Unit 2876
7-1-09

/Michael G Lee/
Supervisory Patent Examiner, Art Unit 2876